

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

August 3, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 3rd day of August, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Dillingham, Gallagher, Kovach, Spaulding, and Chairman Griffith
ABSENT:	None
STAFF PRESENT:	Ms. Leah Messner, Assistant City Attorney Ms. Brenda Hall, City Clerk
OTHERS PRESENT:	Ms. Nancy Jarman, owner of The Greenhouse Mr. Rob Gowens, owner of Hob Nob Rob's Liquor Store

### CONTINUED DISCUSSION REGARDING PROPOSED MODIFICATIONS TO TEMPORARY/MOBILE FOOD AND SOLICITOR/PEDDLER PERMIT REQUIREMENTS.

Ms. Leah Messner, Assistant City Attorney, said City Council adopted Ordinance No. O-1011-18 on April 12, 2011, regarding new requirements for temporary food and solicitor/peddler permits. After adoption, the City Clerk's Office encountered several difficulties with the practical application of the ordinance. Several local, temporary food vendors expressed concerns about the rule that a mobile food vendor can only sell in one location for three hours in a 24 hour period. She said the local vendors felt a three hour window was difficult because they do all the prep work and set up on site, which takes at least one to one and one-half hours leaving a shorter window to sell.

Ms. Messner said the proposed ordinance will change the maximum hours allowed to twelve hours in a 24 hour period, which will be more in line with proposed State Health Department regulations.

Councilmember Dillingham said the State Health Department has also discussed requiring a home kitchen commissary and asked if that was still their plan and Ms. Messner said yes. Councilmember Dillingham asked how that requirement would affect Norman's Fixed and Mobile Temporary Food Permits and Ms. Messner said she believes the commissary would be required for mobile temporary food vendors only. Ms. Brenda Hall, City Clerk, said that was her understanding as well, but she has not seen the latest State revisions. She said the State had intended to implement the new requirements in the summer of 2011, but had postponed the issue to the summer of 2012. She said the requirements she had reviewed included being allowed to sell on site for a maximum of twelve hours then taking the mobile unit back to a "commissary" for servicing, restocking, and disposal of waste products. She said the State draft regulations did not include a definition for a commissary. She has requested an update from the Cleveland County Health Department regarding a definition. Ms. Hall said at this point it was not known if the commissary could be a residential kitchen or would have to be a commercial facility. Councilmember Griffith asked if anything like a commissary existed and Ms. Hall said she was not aware of any, but there are State regulations for food licenses that require cleaning and commissary type services. She said under current State provisions, a mobile unit must be moved off site once every fourteen days and that regulation was in place to allow the mobile unit to be taken somewhere to be more thoroughly cleaned and allow for disposal of built up fats, oils, and grease.

Councilmember Gallagher asked how the ordinance affects ice cream vendors and Ms. Hall said ice cream vendors are a little different. She said they can obtain an annual Food Service License and are only allowed to stop for a moment to make a sale and move on. They are not allowed to sit for any length of time at one location. She said they also only sell prepackaged product so there is not food preparation; however, they must meet State regulations before a City license can be issued.

Ms. Messner said other proposed ordinance changes will include a one day permit for stationary Solicitor/Peddler Licenses for vendors who want to sell on a weekend or on University of Oklahoma (OU) home football game days. She said the cost for a one day permit would be \$20 and, currently, the stationary Solicitor/Peddler License costs are \$500 for a thirty day permit, which many vendors find onerous if they only want to sell a few days a year. She said another proposed change will be the requirement of a \$1,000 surety bond for the one day permit versus the \$10,000 surety bond required for a thirty day permit. She said, currently, the ordinance requires the bond to be effective for two years from issuance of the permit; however, it has come to the City's attention that many insurance companies will not issue a two year bond. She said that requirement will be amended to one year from date of issuance of the permit.

Councilmember Griffith said if the bond is reduced from \$10,000 to \$1,000 for one day permits, what about the anticipated savings to the vendor. Ms. Hall said construction bonds cost 3% of the bond amount and if these bonds are done in a similar manner, then the cost would be \$30 for a \$1,000 bond versus \$300 for \$10,000 bond. Councilmember Spaulding asked if cash bonds were allowed and Ms. Messner said it could be added to the language. Councilmember Dillingham said Council wants to make the process easier so allowing a cash bond helps accomplish that. Councilmember Kovach said the reason the Committee required a \$10,000 bond was to protect the citizens of Norman and questioned requiring only a \$1,000 bond if a vendor were to sell at all six OU football home games. Ms. Hall said a \$1,000 bond would be required per game or per day. She said sometimes a vendor may not want to sell at every game due to lower or higher attendance.

Councilmember Gallagher asked how consumers are protected against vendors selling shrimp out of Texas or other States and Ms. Hall said those vendors fall under the regulations for a Fixed Temporary Food License and they must provide a copy of their certificate of liability insurance, certificate of vehicular insurance, Oklahoma sales tax permit number, and be approved by the Cleveland County Health Department.

Ms. Messner said the proposed ordinance will be on First Reading on August 9, 2011, and Second Reading on August 23, 2011.

Items submitted for the record

1. Memorandum dated July 27, 2011, from Leah Messner, Assistant City Attorney, and Brenda Hall, City Clerk, to City Council Oversight Committee, Councilmember Griffith, Councilmember Dillingham, Councilmember Kovach, Councilmember Spaulding
1. Draft of Ordinance No. O-1011-18
2. Draft of legislatively notated copy of Ordinance No. -O-1011-18

MISCELLANEOUS DISCUSSION. None

The meeting adjourned at 5:55 p.m.

ATTEST:

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City Clerk

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Mayor